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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,887	08/04/2003	Michael Francis X. Gigliotti JR.	132497	6533

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

ZIMMER, MARC S

ART UNIT	PAPER NUMBER
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1712

MAIL DATE	DELIVERY MODE
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08/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/633,887	Applicant(s) GIGLIOTTI ET AL.	
	Examiner Marc S. Zimmer	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-11,13,15-17,19-21,37,39 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 41-43 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 9-11, 13, 15-17, 19-21, 37, 39, and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 9-11, 13, 15-17, 19-21, 37, 39, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moravek et al, U.S. Patent # 6,805,906 in view of Reinhardt et al., U.S. patent # 6,153,054 and Vogt, U.S. Patent # 5,441,564 for the reasons outlined in the February 27, 2007 correspondence.

The Examiner appreciates Applicant's implied sentiment that, for references to be properly combinable, they must constitute analogous art. (It shall be noted, however, that this is not exactly what is said in the bottom paragraph of page 7 of their response. Rather, they insinuate that the supporting references invoked in a statement of rejection have to be directed to an invention that constitutes analogous art with *their invention*, which is completely false. It is acknowledged, on the other hand, that *Moravek* describes an invention in a field of endeavor closely aligned with that of the instant invention.)

The problem with Applicant's argument is that their ideas concerning what represents analogous art are not consistent with those of the Examiner. That is to say, a supporting reference need not describe an invention that is applicable to the manufacture of turbine blades, the intended use for the coating composition disclosed

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by *Moravek*, for said reference to be properly combinable. In a larger context, *Moravek* is disclosing a coating composition and the supporting reference(s) need only be, likewise, directed to coating formulations for them to suitably provide a motivation to modify the teachings of the primary reference.

Because the Examiner has been unable to definitively establish that the aluminum pigment employed in M66-79 has the geometry of a flake, the teachings of *Reinhardt* and *Vogt*, both of which are directed to the preparation of coatings, have been cited instead to promote the idea that it would be obvious to use flake for in lieu of powder for the luster/brilliance it imparts to the coated substrate. Were these properties clearly not desirable in the metallic parts contemplated by *Moravek*, the Examiner might then be persuaded of an improper combination. The Examiner believes, in fact, that the high luster is indeed a desirable characteristic of the coated parts and, thus, is not compelled to withdraw these rejections.

As for Applicant's contention that neither of these references motivates the addition of both an aluminum powder and aluminum flake, the Examiner responds that they don't have to. *Moravek* describes a coating composition comprising the materials of M66-79 and SiAl powder in column 3, lines 40-46. Therefore, it was only necessary to either establish (i) that the pigment used in M66-79 took the form of aluminum flake, or (ii) that it would have been obvious to use aluminum in the form of a flake as the pigment component of M66-79. The Examiner's combination accomplishes the latter of these objectives.

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Regarding the "housekeeping" alluded to at the beginning of Applicant's remarks section, claim 8 should indeed have been indicated as being allowable and the recitation of claim 27 as having been rejected instead of claim 37 was a typographical error that is corrected herein. The Examiner would hope it was clear that claim 37 was rejected in view of (a) the fact that it had been rejected in the September 6, 2006 correspondence over Moravek and (b) the Examiner's description of the teachings of the references.

Allowable Subject Matter

Claims 8 and 41-43 are allowable.

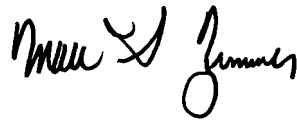
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 12, 2007

A handwritten signature in black ink, appearing to read "Marc S. Zimmer". The signature is stylized with a large, looped "Z" and a distinct "M".

MARC S. ZIMMER
PRIMARY EXAMINER